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No. 1849/01
Filed today 11.9.01
by Shri D.K. Sinha

For Registrar,
M. P. State Adm. Tribunal,
RAIPUR.

समक्ष माननीय मध्य प्रदेश राज्य प्रशासनिक अधिकरण खंडपीठ रायपुर

(छत्तीसगढ़)

OP(S) 3777/01

मूल आवेदन क्र॰ ------/2001

सी॰ एस॰ पाण्डेय आयु 48 वर्ष
आत्मज श्री स्व॰ आर॰ एस॰ पाण्डेय
सहायक शिक्षक, शासकीय उच्चतर
माध्यमिक शाला बालक , सरकण्डा
बिलासपुर छ॰ग॰ - आवेदक

विरूद्ध

1- छत्तीसगढ़ शासन
व्दारा सचिव , स्कूल शिक्षा विभाग
रायपुर छ॰ग॰

2- जिला शिक्षा अधिकारी,
जिला बिलासपुर (छ॰ग॰) - अनावेदकगण

आवेदन पत्र अन्तर्गत धारा 19 म॰प्र॰ राज्य प्रशासनिक अधिकरण अधिनियम 1985

HIGH COURT OF CHHATTISGARH AT BILASPUR (95)
W.P. (S) No. 3777 of 2005

Petitioner C. S. Pandey

Versus

Respondents State of Chhattisgarh & another

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Y. C. Sharma, Advocate for the petitioner.

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 9th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Teacher in Higher Secondary Boys School, Sarkanda, District – Bilaspur was transferred to Primary School, Nagridih, Block - Bilha, on the same terms and conditions, vide order dated 3.9.2001 (Annexure A/1).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 13.9.2001 directed to maintain status quo in regard to the position of the petitioner as it was prevailing on 11.9.2001. By virtue of the interim order the petitioner is continuing at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Thakur

Sd/-
Satish K. Agnihotri
Judge